

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:19-CV-00508-FDW-DSC**

**SAUER BRANDS, INC. ,**

**Plaintiff,**

**v.**

**DUKE SANDWICH PRODUCTIONS,  
INC., DFP SANDWICH SHOPS, LLC  
AND DUKE BRANDS ,**

**Defendants.**

**ORDER**

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**THIS MATTER** is before the Court on “Plaintiff’s Motion to Compel the Supplemental Deposition of Chris Collins and for an Order of Related Relief” (document # 41) filed July 17, 2020 and “Defendants’ Response in Opposition to Plaintiff’s Motion to Compel and Cross-Motion for Protective Order” (document #52) filed August 10, 2020.

Plaintiff seeks an order compelling Defendants to produce Chris Collins for a second deposition, bar Defendants from instructing future witnesses to not answer questions about Andrew Smart, Defendants’ CEO, and enter sanctions against Defendants. Defendants respond that Plaintiff has inquired into the details of Smart’s personal life without connecting that information to any issues in this case. Defendants agreed to allow Smart to testify regarding his personal life without objection, and argue that this testimony revealed no incidents of misconduct. Defendants request that the Court issue a protective order limiting further examination into Smart’s personal life.

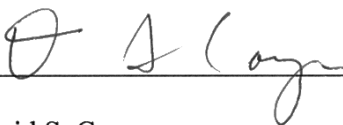
The Court has carefully examined the record, the parties' arguments and the applicable authorities. For the reasons stated in Defendants' response and Cross-Motion for Protective Order, Plaintiff's Motion to Compel will be denied and Defendant's Cross-Motion for Protective Order will be granted.

**IT IS HEREBY ORDERED** that:

1. "Plaintiff's Motion to Compel the Supplemental Deposition of Chris Collins and for an Order of Related Relief" (document # 41) is DENIED.
2. "Defendants' Response in Opposition to Plaintiff's Motion to Compel and Cross-Motion for Protective Order" (document #52) is GRANTED.
3. The parties shall bear their own costs at this time.
4. The Clerk is directed to send copies of this Order to counsel for the parties and to the Honorable Frank D. Whitney.

**SO ORDERED.**

Signed: September 11, 2020

  
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David S. Cayer  
United States Magistrate Judge

